

REMARKS

Applicants have received and reviewed an Office Action dated May 3, 2006 for the present application.

New Claims

New claim 98 recites a method of washing wares by personnel and incorporates features recited in canceled claim 77. New claim 99 is dependent on claim 98 and requires the method of 99 "consist of" the features recited in claim 98.

New claims 98 and 99 recite promoting soil removal of the wares, contacting the wares with an aqueous detergent at after promoting soil removal, rinsing the wares after contacting with the aqueous detergent, cleaning or sanitizing the wares, and drying the wares without contact with mechanical action or an aqueous solution, as supported at least at page 10, lines 4-12, lines 20-24; and page 8, lines 27-30 of the specification as originally filed.

New claims 98 and 99 also recite the bath having a pH from about 5.5 to about 7 as supported at least at page 7, one 30 of the specification as originally filed.

New claims 98 and 99 further recite the bath is produced by introducing a solid unit into water having an initial temperature of 80°F as supported at least at page 27, line 5 and page 28, line 3 of the specification as originally filed.

New claims 98 and 99 also recite the solid unit containing little or no free water as supported at least at page 22, lines 13-15 of the specification as originally filed.

New claims 98 and 99 recite the solid unit includes FD&C dye No. 4 or FD&C dye No.3 having a particle size greater than about 500 microns and density less than 0.9 gram-cm⁻³ as supported at least at page 15, lines 25-27 of the specification as originally filed and original claims 2, 14, and 23.

New claims 98 and 99 recite the solid unit also includes a chlorine source of alkali metal dichloroisocyanurate dehydrate as supported at least at page 21, lines 27-30 of the specification as originally filed.

New claims 98 and 99 recite the weight ratio of the chlorine source and the dye is about 1 to about 200 grams of chlorine source per gram of dye as supported at least at page 22, lines 26-28 of the specification as originally filed.

New claims 98 and 99 recite the combination of pH, dye, and chlorine produces dye-color in the bath that fades to absence of the dye-color over 3-6 hours as supported at least at page 31, lines 6; page 32, lines 28-33; page 37, lines 15-16 of the specification as filed.

New claims 98 and 99 also recite the cleaning or sanitizing of the wares includes contacting the wares with the bath in the third sink, monitoring the dye-color of the bath in the third sink, replacing or replenishing the bath when the dye-color is nearly or completely absent, and washing wares in the replenished bath in the third sink, as supported throughout the specification as originally filed.

Claims 77, 80-81, and 83-84, 86-88 are canceled without prejudice. Applicants submit that the pending claims are supported by the specification as originally filed and that no new matter has been added. Claims 78-79, 82, and 98-99 are currently pending.

For the reasons given below, Applicants submit that the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

Petition for Extension of Time

It is noted that a one-month petition for extension of time is necessary to provide for the timeliness of the response. A request for such an extension is made extending the time for response from August 3, 2006 to September 3, 2006. It is noted that September 3, 2006 falls on a Sunday, and that Monday, September 4, 2006, is a Federal Holiday, therefore, extending the due date to Tuesday September 5, 2006.

Claim rejections - 35 U.S.C. § 103

Claims 77-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Salvato* (Environmental Engineering and Sanitation, 1992) in view of *Kitko* (US 4,248,827), *Gladfelter et al.* (US 5,358,653), and *Choy et al.* (US 5,851,421). Applicants respectfully traverse this rejection.

New claims 98 and 99 recite a method of washing wares by promoting soil removal of the wares, contacting the wares with an aqueous detergent at after promoting soil removal, rinsing the wares after contacting with the aqueous detergent, cleaning or sanitizing the wares in

a dye-colored bath having a pH from about 5.5 to about 7 after rinsing, and drying the wares without contact with mechanical action or an aqueous solution.

New claims 98 and 99 also require the cleaning or sanitizing bath be produced by introducing a solid unit into water having an initial temperature of 80°F.

New claims 98 and 99 further require the solid unit contains little or no free water and include FD&C dye No. 4 or FD&C dye No.3 having a particle size greater than about 500 microns and density less than 0.9 gram-cm⁻³ and a chlorine source comprising alkali metal dichloroisocyanurate dehydrate, in which the weight ratio of the chlorine source and the dye is about 1 to about 200 grams of chlorine source per gram of dye.

Salvato discloses sanitizing in water at a temperature of 170 to 180 °F. [See page 992, step 4]. Therefore, *Salvato* fails to teach or suggest a cleaning or sanitizing bath be produced by introducing a solid unit into water having an initial temperature of 80°F.

Neither *Salvato*, *Kitko*, *Gladfelter et al.*, nor *Choy et al.*, alone or in combination, teach or suggest a method of washing wares by promoting soil removal of the wares, contacting the wares with an aqueous detergent at after promoting soil removal, rinsing the wares after contacting with the aqueous detergent, cleaning or sanitizing the wares in a dye-colored bath having a pH from about 5.5 to about 7 after rinsing, and drying the wares without contact with mechanical action or an aqueous solution as required by the present invention. Additionally neither *Salvato*, *Kitko*, *Gladfelter et al.*, nor *Choy et al.*, alone or in combination teach or suggest the cleaning or sanitizing bath be produced by introducing a solid unit into water having an initial temperature of 80°F as required by the present invention. In addition, neither *Salvato*, *Kitko*, *Gladfelter et al.*, nor *Choy et al.*, alone or in combination, teach or suggest the solid unit used to produce the cleaning or sanitizing bath contain little or no free water, and include FD&C dye No. 4 or FD&C dye No.3 and a chlorine source, in which the dye has a particle size greater than about 500 microns and density less than 0.9 gram-cm⁻³, and the weight ratio of the chlorine source and the dye is about 1 to about 200 grams of chlorine source per gram of dye as required by the present invention.

Accordingly, based on the foregoing differences, Applicants respectfully submit, neither *Salvato*, *Kitko*, *Gladfelter et al.*, nor *Choy et al.*, alone or in combination, render the presently claimed invention obvious and withdrawal of this rejection is respectfully requested.

Conclusion

In summary, Applicant submits that each of claims 78-79, 82, and 98-99 is in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this patent.

23552

Respectfully submitted,

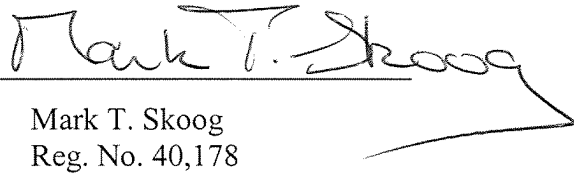
MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332-5300

Dated: September 5, 2006

By 
Mark T. Skoog
Reg. No. 40,178

MTS:SMM